

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Kavuri et al.

Serial No.: 10/033,503

Filed: December 27, 2001

For: Virtual Volume Management System and Method

Attorney Docket No.: 2001-028-NSC (STK 01028 PUS)

Group Art Unit: 2163

Examiner: Shechtman, Cheryl Maria

**REPLY BRIEF UNDER 37 C.F.R. §41.41**

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Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief filed in response to the Examiner's Answer mailed on January 12, 2007 for the above-identified patent application.

**ARGUMENT**

The "Response to Argument" section of the Examiner's Answer re-cites the same sections of the prior art reference, U.S. Patent No. 6,745,207 ("the '207 patent"), already cited by the Examiner in rejecting claims 21-40 as anticipated by the '207 patent. Once again, those sections of the '207 patent cited by the Examiner disclose the creation of a virtual disk by allocating capacity in a storage pool to the new virtual disk. That is, existing capacity in a storage pool is reserved for the newly created virtual disk. The storage pool from which existing capacity will be set aside for the new virtual disk may be selected manually or automatically. (*See, e.g.,* The '207 Patent; col. 12, ll. 18-38; col. 5, ll. 1-8.)

Thus, the '207 patent discloses reserving existing capacity in a storage pool for a newly created virtual disk. This allocating of existing capacity in a storage pool for a newly

created virtual disk of the '207 patent is not the allocating of a storage device to a pool of the Applicants' claimed invention. The '207 patent therefore fails to teach or suggest automatically allocating a storage device to a pool, as recited in various forms in independent claims 21, 26, 31 and 36. As a result, for at least these reasons, the Appellants believe that claims 21-40 are not anticipated by the '207 patent, and believe that the final rejection of those claims under 35 U.S.C. §102(e) should be reversed.

### **CONCLUSION**

In view of the foregoing, the Appellants respectfully request that the Board reverse the final rejection of claims 21-40 under 35 U.S.C. §102(e) as anticipated by the '207 patent.

Respectfully submitted,

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